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| EXAMINER |
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UTAMA, ROBERT J

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| ART UNIT | PAPER NUMBER |
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3715

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01/20/2012

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/597,707 | Applicant(s) SOLOSKO ET AL. | |
| | Examiner ROBERT J. UTAMA | Art Unit 3715 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-17 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-17 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 11 March 2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/06/2008, 08/04/2006</u> . | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Weil 6,360,125 in view of Gliner US 6,178,357

Claim 1: The Weil reference provides a teaching of having an external defibrillator responsive to a first electrode and a second electrode (see FIG 1 item 14)), the training apparatus comprising:

a layer having a first electrode attachment region defining an opening sized to receive the first electrode (FIG. 1 item 24),

a signal conductor disposed proximate the first electrode attachment region, the signal conductor having a transfer path, the transfer path operable to provide communication between the first electrode and the second electrode, when the first electrode and the second electrode are disposed on the training apparatus (see col. 2: 16-25);

While the Weil reference provides a teaching of an insulating sheet, the Weil reference is unclear if the sheet can be considered a "transparent layer". However, the examiner notes that one of ordinary skilled in the art would have been faced with a finite number of solution, namely, using an insulating layer with transparent or non-transparent layer. Both solutions would have been equally likely to provide an equally likely to provide a reasonable expectation of success.

The Weil reference is silent on the teaching of a two-dimensional representation of an anterior portion of a defibrillation subject, having the first electrode attachment region

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arranged thereon in a manner that defines a preferred placement area of the first electrode on the defibrillation subject. However, the Gliner reference provides a teaching of a two-dimensional representation of an anterior portion of a defibrillation subject, having the first electrode attachment region arranged thereon in a manner that defines a preferred placement area of the first electrode on the defibrillation subject (See FIG. 7 and col. 6:1-10). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of a two-dimensional representation of an anterior portion of a defibrillation subject, having the first electrode attachment region arranged thereon in a manner that defines a preferred placement area of the first electrode on the defibrillation subject, as taught by Gliner, in order to insure that the electrode of the defibrillator are placed in the correct position.

Claim 2: The Weil reference provides a teaching of a second electrode attachment region defining an opening sized to receive the second electrode (see FIG 1 item 26) and wherein when the first electrode is arranged in the first electrode attachment region (see FIG 1 item 24), and the second electrode is arranged in the second electrode attachment region.

With respect to the limitation of "... in such a manner that when the transfer path is operating, the external defibrillator is operable to detect a connection state between the first and second electrodes and the training apparatus"; the examiner takes the position that such feature would have been inherent. Without the connection between the first, second electrodes and training apparatus, the defibrillator will not function.

Claim 3: The Weil reference provides a teaching of the transfer path comprises an electrical connection (see col. 2:10-15 item 16).

Claim 4: The Weil reference provides a teaching of a second electrode attachment region defines an opening in the transparent layer (see FIG 1 item 26)

The Weil reference is silent in the teaching of the second electrode is arranged on the two-dimensional representation of the anterior portion of the defibrillation subject in a manner

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that defines a preferred placement area of the second electrode on the defibrillation subject. However, the Glisner reference provides a teaching of the second electrode is arranged on the two- dimensional representation of the anterior portion of the defibrillation subject in a manner that defines a preferred placement area of the second electrode on the defibrillation subject (see FIG. 7). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of a two-dimensional representation of an anterior portion of a defibrillation subject, having the first electrode attachment region arranged thereon in a manner that defines a preferred placement area of the first electrode on the defibrillation subject, as taught by Glisner, in order to insure that the electrode of the defibrillator are placed in the correct position.

Claim 5: The Weil reference is silent on the teaching wherein the signal conductor comprises a conductive layer having a first side and a second side. However, the Glisner reference provides a teaching of wherein the signal conductor comprises a conductive layer having a first side and a second side (see col. 4:50-65). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of wherein the signal conductor comprises a conductive layer having a first side and a second side, as taught by Glisner, in order to provide a realistic simulation tool.

Claim 6: The Weil reference is silent on the teaching of a two-dimensional representation of the anterior portion of the defibrillation subject is interposed between the first side of the conductive layer and the transparent layer. However, the Glisner reference provide a teaching of a two-dimensional representation of the anterior portion of the defibrillation subject is interposed between the first side of the conductive layer and the transparent layer (see col. 5:25-35). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of a two-dimensional representation of the anterior portion of the

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defibrillation subject is interposed between the first side of the conductive layer and the transparent layer, as taught by Glisner, in order to provide a realistic simulation tool.

Claim 7: The Weil reference is silent on the teaching of wherein the first side of the conductive layer is exposed through the two-dimensional representation of an anterior portion of a defibrillation subject, in the preferred placement area. However, the Glisner reference provides a teaching of wherein the first side of the conductive layer is exposed through the two-dimensional representation of an anterior portion of a defibrillation subject, in the preferred placement area (see col.). Therefore, it would have been obvious to one of ordinary skill in the art to include the feature of wherein the first side of the conductive layer is exposed through the two-dimensional representation of an anterior portion of a defibrillation subject, in the preferred placement area, as taught by Glisner, in order to provide a realistic simulation tool.

Claim 8: The Weil reference is silent on the teaching of a protective layer disposed on the second side of the conductive layer. However, the Glisner reference provides a teaching of a protective layer disposed on the second side of the conductive layer (see col. 4:1-15). Therefore, it would have been obvious to one of ordinary skill in the art to include the feature of a protective layer disposed on the second side of the conductive layer, as taught by Glisner, in order to provide a realistic simulation tool.

Claim 9: The Weil reference provides a teaching of wherein the protective layer comprises one of: a polyester film, a polyethylene film, a polypropylene film, and paper. However, the Weil reference provides a teaching of an insulating sheet. The examiner takes the position that it would have been an obvious design choice to fabricate the sheet of Weil from the material claimed in claim 9. Each of these materials works as an electrical insulator.

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Claim 10: The Weil reference does not provide a teaching of a protective layer comprises a two-dimensional representation of a posterior portion of a defibrillation subject, identifiable through a transparent back layer having the second electrode attachment region arranged thereon in a manner that defines a preferred placement area of the second electrode on the defibrillation subject. However, the Glisner reference provides a teaching of a protective layer comprises a two-dimensional representation of a posterior portion of a defibrillation subject, identifiable through a transparent back (see FIG 7) layer having the second electrode attachment region arranged thereon in a manner that defines a preferred placement area of the second electrode on the defibrillation subject (see col. 3:15-25). Therefore, it would have been obvious one of ordinary skilled in the art to include the feature of teaching of a protective layer comprises a two-dimensional representation of a posterior portion of a defibrillation subject, identifiable through a transparent back layer having the second electrode attachment region arranged thereon in a manner that defines a preferred placement area of the second electrode on the defibrillation subject, as taught by Glisner, in order to insure that the electrode of the defibrillator are placed in the correct position.

Claims 11-12: The Weil reference is silent on the teaching of a two-dimensional representation of the anterior portion of the defibrillation subject comprises a life-sized representation of a human being. However, the Glisner reference provides a teaching of a two-dimensional representation of the anterior portion of the defibrillation subject comprises a life-sized representation of a human being (see FIG. 7). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of a two-dimensional representation of an anterior portion of a defibrillation subject, having the first electrode attachment region arranged thereon in a manner that defines a preferred placement area of the first electrode on the defibrillation subject, as taught by Glisner, in order to insure that the electrode of the defibrillator are placed in the correct position.

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Claim 13: The Weil reference is silent on the teaching of wherein the preferred placement area of the first electrode comprises one of a sternum position and an apex position. However, the Glisner reference provides a teaching of the preferred placement area of the first electrode comprises one of a sternum position and an apex position (see FIG. 7). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of the preferred placement area of the first electrode comprises one of a sternum position and an apex position, as taught by Glisner, in order to show the correct placement of defibrillator electrodes.

3. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being over Glisner US 6,178,357 in view of unpatentable Weil 6,360,125.

Claim 14: The Glisner reference provides a teaching of a substantially flat flexible sheet with two sides (see FIG 7); an illustration of a human body on one side of said sheet (see FIG 7); a depiction of a proper first defibrillator electrode position on said illustration (see col. 6:1-15); With respect to the limitation "an electrically conductive path between said depiction and a second depiction of a second defibrillator electrode position on said sheet." However, the Glisner reference an electrically conductive path between said depiction and a second depiction of a second defibrillator electrode position on said sheet (col. 2: 16-25). Therefore, it would have obvious to one of ordinary skilled in the art to include the feature of an electrically conductive path between said depiction and a second depiction of a second defibrillator electrode position on said sheet, as taught by Weil, since it allow a realistic training condition.

Claim 15: The Glisner reference provides a teaching of said human body is illustrative of an adult human (see FIG 7) and said second depiction of said second defibrillator electrode position is disposed on said illustration (see FIG 7 item 12).

Claims 16-17: The Glisner reference provides a teaching wherein said human body is illustrative of a pediatric human anterior side (see FIG. 7). However, the Glisner reference a

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teaching of said second depiction of said second defibrillator electrode is disposed on a second illustration of a pediatric human posterior side. One of ordinary skilled in the art would have been presented to a finite number of solutions, namely providing a depiction of an adult or a child (pediatric). Additionally, one of ordinary skilled in the art would find that both solutions have an equal likelihood of success in providing a place to show location to attach electrode for a defibrillator.

Information Disclosure Statement

The information disclosure statement filed 08/04/2006 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Drawings

The drawings are objected to because flow diagram of FIG 4 and 5 are not complete. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

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pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT J. UTAMA whose telephone number is (571)272-1676. The examiner can normally be reached on 9-5:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. J. U./
Primary Examiner, Art Unit 3715